

Anne Marie Vassallo
Croydon Park Resident
Rockville, Maryland 20850

Exhibit No. 39
Zoning Ordinance Rewrite
Public Hearing
Dates: 6/16 & 6/30/08

July 11, 2008

Mayor and Council of the City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Routed To:

☒ Council

☐ City Clerk

☒ City Manager

☒ City Attorney

☐ Council Support Specialist

☒ Other

Susan Swift

Dean Mellander

Jim Wasilak

Re: Importance of maintaining Neighborhood Retail Uses

Dear Mayor Hoffmann and Members of the City Council:

Thank you for the opportunity to communicate my concerns in respect to the City's Zoning Ordinance and Zoning Map Amendment process. Please include this letter in the record of your hearings and worksessions on the Draft Zoning Ordinance. I have reviewed the Proposed Draft Zoning Ordinance Revision, dated October 8, 2007 as transmitted by the RORZOR Committee as well as the Planning Commission Recommended Final Draft Zoning Ordinance dated May 21, 2008, as transmitted to the Mayor and Council for judicious review, revision, and presumably, ultimate adoption. I recognize this process as a unique opportunity to ensure that the City's plan for the future is undergirded both by smart growth basics and by sound planning principles.

As I have stated previously, the City of Rockville's support for truly walkable neighborhoods and its zoning preservation of neighborhood-embedded and neighborhood-serving retail uses are crucial to achieving the desirable and complete neighborhoods that businesses and residents seek. Thus, it is with concern that I note the Planning Commission's recommended alteration of zoning for my neighborhood market, located at 606 S. Stonestreet Ave. and currently zoned C-1, to a suggested zoning of R-60. This suggested zoning change is troublesome for several reasons: First, it is inconsistent with the treatment applied to other neighborhood retail areas in this and other parts of the City of Rockville. Next, such a change hardly promotes neighborhood walkable retail uses. Finally, such a change directly deviates from the Maryland Department of Planning's Principles of Smart Growth. (See attached Appendix A – "Principles of Smart Growth").

This property should be maintained as C-1. If a zoning change is to occur, why not zone the property to a mixed-use category such as the MXC (Mixed-Use Commercial) or to the MXNC (Mixed-Use Neighborhood Commercial),¹ as applied to the confronting S. Stonestreet Ave. properties? This will promote small-scale neighborhood retail perhaps with some upper-story dwellings, all within walking distance to the Metro. Such use is the epitome of a walkable

¹ The Draft Zoning Ordinance of 5/21/2008 at Sec. 25.13.02, explains the MXNC's distinguishing feature as follows:

"Intended for sites that are either currently developed or recommended for development primarily for local retail and service uses in areas either within or in close proximity to single-unit detached residential uses. This zone allows for low to moderate density development of retail, service, office and residential uses. This zone is not intended to provide for major employment so office uses are limited."

community and smart zoning! In fact, in a very recent article, the Washington Post stated that "Many commuters in the Washington-Baltimore corridor are beginning to rethink life in the typical suburb, where spread-out neighborhoods often lack sidewalks, *stores are rarely within easy walking distance of houses* and roads are inhospitable to cyclists." (emphasis added) (See attached Appendix B – "Urging a Plan for Growth," *Washington Post*, July 5, 2008 at B01).

It is said that we must "incentivize" the behavior we wish to see; parents do this, employers do this, all in an effort to effect some desired change. To downzone a property, as the suggested zoning change would do, and to freeze it in its current less-than-modern and less-than-compelling state does *nothing* to incentivize the property's owner to upgrade both the property's look and the property's uses. A comprehensive rezoning of the sort undertaken by the City is not intended to address short-term fixes, but rather to promote the City's long-term visions and potential for all residents and property owners.

This long-standing property has been in place for many years and is located across the street from properties zoned for, used as, and recommended for a mix of commercial uses. Thus, this property's existence and current use cannot be considered erroneous. Rather, it strikes me more as a fine example of traditional neighborhood development (TND) and sound land use planning than as a use in need of a zoning change.

Please maintain the current zoning of 606 S. Stonestreet Ave. as C-1. Alternatively, please put smart planning principles into action and apply a mixed-use zoning category, such as MXNC or MXC.

Sincerely,



Anne Marie Vassallo

cc: Councilmember John Britton
Councilmember Piotr Gajewski
Councilmember Anne Robbins
Councilmember Phyllis Marcuccio
Ms. Susan Swift
Mr. Jim Wasilak
Mr. Deane Mellander



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Principles of Smart Growth:

- Mix Land Uses
- Take advantage of compact building design
- Create housing opportunities and choices
- Create walkable communities
- Foster distinctive, attractive communities with a strong sense of place
- Preserve open space, farmland, natural beauty, and critical environmental areas
- Strengthen and direct development toward existing communities
- Provide a variety of transportation choices
- Make development decisions predictable, fair, and cost-effective
- Encourage community and stakeholder collaboration in development decisions.

washingtonpost.com

Urging A Plan for Growth

O'Malley Officials Push State Initiative

By Miranda S. Spivack
 Washington Post Staff Writer
 Saturday, July 5, 2008; B01

For more than 30 years, Maryland has had a law on the books requiring officials to write a plan describing how the state should grow and develop. But with most land-use decisions made locally, and with little public pressure to create a wider vision for Maryland, no one sat down to write it.

This year, that could change.

The administration of Gov. Martin O'Malley (D), concerned about the potential effect of unchecked growth on the water supply, greenhouse gases and the Chesapeake Bay, has been quietly setting the stage for the creation of a statewide plan to guide development.

If officials succeed, Maryland will become one of a handful of states to knit together ideas from traditionally feuding factions and create a blueprint for what the state should look like two decades from now.

"One of the problems we have had in Maryland is getting the growth to go where we want it to go," said Richard Eberhart Hall, the state's planning chief. "Just because we have mapped smart-growth areas and identified them doesn't mean there is as much growth there as we would like to see."

For example, planners would like to see growth along sections of the Interstate 95 corridor between Washington and Baltimore where there are train and bus connections to the two cities but development has been slow. Similarly, in Montgomery County, development along Metro's Red Line has lagged behind what has occurred along Metro lines in parts of Northern Virginia such as Arlington's Ballston neighborhood.

Hall said the purpose of a state plan is not to dictate local development from Annapolis but to establish guiding principles that discourage sprawl and promote clusters of development near transit, water supplies, schools and other amenities.

"There are some groups that are sensitive about a big plan that pays no attention to what they are doing and tells them what they should be doing," said Hall, a career planner appointed by O'Malley to the state post last year.

"That's not our intention. We want to articulate state policy, how it manifests itself on the landscape and how it all comes together," he said.

That may assuage groups such as the Maryland Association of Counties, whose members exert substantial influence over land use.

"Traditionally in Maryland, local land-use decisions have been made at the local level," said Les Knapp, a lobbyist for the organization. "That's not to say we don't want a state plan, we just don't want one that usurps our authority."

The surge in gas prices this year, now more than \$4 a gallon and rising, may be just what the planners need to gain support for their efforts. Within a matter of weeks, the market has presented immediate and painful financial incentives for residents and developers to combat suburban sprawl.

Many commuters in the Washington-Baltimore corridor are beginning to rethink life in the typical suburb, where spread-out neighborhoods often lack sidewalks, stores are rarely within easy walking distance of houses and the roads are inhospitable to cyclists.

Housing sales have slowed across the region because of other economic forces. But with the rise in gas prices, the slump has been especially pronounced in some far-flung suburbs where jobs and shopping are more than 30 minutes away by car. And there is increasing pressure to find housing for the wave of new residents coming between now and 2030, when Maryland is expected to grow by 1 million people.

"The bottom line is, this is about finding a place to put those people," said Karl Brendle, the planning director for the city of Laurel, an area of substantial expected growth.

State government can help things along by subsidizing public transit and providing incentives to developers to build bike and

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walking paths. The state also can restructure taxes and offer subsidies to encourage development that is more energy-efficient and less car-dependent, popularly known as "smart growth," a concept that gained currency during the administration of former governor [Parris N. Glendening](#) (D).

Government will need to move quickly to catch up with demand, said Frank Hertsch, a lawyer and engineer who heads an engineering firm that works with builders and developers.

"You can't direct people to live in an area unless you meet the infrastructure needs," such as schools, libraries and transit, he said.

Hertsch said it would be unrealistic for a Towson or a Rockville to develop their own light-rail systems, which should be funded regionally or at the state level.

A state plan might aid in those efforts, he said.

Stuart Meck, a planner who heads the Center for Government Services at [Rutgers](#), the state university of New Jersey, said Maryland is ripe for a state plan to promote smart growth. The state's disparate incentives and regulatory systems have had limited success at promoting denser development near mass transit, protecting farmland and preserving open space.

"Did it really physically change the characteristics of growth in Maryland? It really didn't," he said.

A key reason, Meck said, is that the state needs to push for even denser development around transit and other designated growth areas to realize the goal of preserving open space.

Brendle said he is eager to see what the state plan might entail. He sits on a statewide task force convened by O'Malley that is starting to lay the groundwork for the state plan.

"If the state continues the way it is going, you are going to continue to allow the development of farmland. That's senseless," he said.

Laurel is in the throes of several redevelopment plans aimed at accommodating growth in the area, where about 22,000 jobs are expected to be created at or near [Fort Meade](#).

"We are trying to grow from within," Brendle said.

In exchange for development rights, the city insists that developers contribute to public transit and other amenities, including "people places" that residents can walk to, he said. The city also urges developers to set up their own bus networks that feed into the MARC commuter rail service and intercounty bus services.

John Kortecamp, an official with the 1,200-member Home Builders Association of Maryland, said he's optimistic a state plan is viable.

"Maryland is a state with a very strong tradition of local control," he said. "It would be difficult to do anything to run counter to that, and probably not advisable."

Kortecamp said his organization is interested to see the results. "In concept, as long as you have a state policy that is supposed to guide growth, it helps to have some architecture that helps articulate what path that should take."

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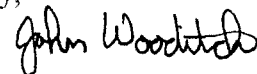
ATTN: ROCKVILLE MAYOR CITY /COUNCIL

JOHN WOODITCH
1113 GILBERT RD
ROCKVILLE, MD 20851

Exhibit No. 40
Zoning Ordinance Rewrite
Public Hearing
Dates: 6/16 & 6/30/08

I'm writing in regards to the re-zoning ordinance that will allow large vehicles to be parked in residential areas. A big concern that I have is that when these large vehicles are parked on the street it does not allow sufficient space for emergency vehicles such as fire trucks to pass in the event of an emergency. This limiting of space is increased in the event that the home across the street also has any type of vehicle parked in front of their residence in addition to the large vehicle that is parked on the opposite side of the street. In my personal experience with these large vehicles being parked on the street or in a residential driveway the resident next door to us has been parking one of these vehicles (the type of truck that Sears/Macy's would use for large deliveries) in front of his home with increased frequency over the past several weeks (2-3 nights per week). When this vehicle is parked in front of the home it limits our ability to see oncoming traffic when backing out of our driveway and greatly increases the risk of being hit by an oncoming vehicle which also cannot see around the large vehicle to see us exiting our driveway. In addition, when this large vehicle is started up and moved in the early morning hours (4:30 AM in our case) it is extremely loud and shakes our home to the point that everyone in our home is woken by this truck, neighbors on our block have also complained about being woken in the early morning hours by these trucks being moved. On the occasions that the truck has been parked in the driveway, which is less than 7 feet from our home, the shaking is increased greatly to the point that I have had objects fall off of my dresser and I fear that my pictures will be shaken from the walls. Our home was built in the 1950's and there are many homes within the area that are of the same age or older, the foundations of these homes was not built to withstand the vibration and shaking caused by these type of large vehicles and I believe that in a very short amount of time these foundations will begin to crack and fail under the conditions these large trucks present. If these trucks are permitted to park in residential neighborhoods I am sure that other residents will experience the same annoying and disruptive inconveniences that we have been experiencing. The space these large trucks occupy, the danger of blocking emergency vehicles from passing, the noise factor these trucks present at early morning and late night hours while people are sleeping, and the shaking these trucks cause doing possible damage to residential foundations not built for these type of vehicles would not present an inviting environment for people considering moving into our community as well as making it a very unappealing and unpleasant place for the present residents to continue living.

Sincerely,



John Wooditch
07/14/2008

RECEIVED
CITY CLERK'S OFFICE
2008 JUL 14 AM 11:03



johnrmckeej@netscape.net

07/11/2008 03:53 PM


To mayorcouncil@rockvillen.

cc

bcc

Subject Testimony at 30 June 2008 Hearing on Zoning Text
Amendmet

History:

 This message has been replied to.

My name is John R. McKee and I live at 3 Clemson Court in Rockville.

I had testified earlier about the need for a Grandfather Clause.
I don't see the word "Grandfather" in the revised draft.

I see Section 25-08-03 which seems to serve that purpose. However,
it is followed by paragraphs of exceptions.
Thus, paragraph 25-08-05 b. again takes away conformance if 50% of a
private house burns/floods/etc. One should be able to rebuild an
existing house to it's pre-existing standard. Home insurance does not
provide funds to meet upgraded zoning requirements. I hope the
homeowners in Rockville realize the current draft does not allow
rebuilding without meeting the new standards (such as a total sprinkler
system included) if fire etc. causes more than 50% destruction.

And there is no provision
for resolving with an inspector if that is 48% or 52%.

I again say I believe such a new ordinance is an ex post facto law
violating the Constitution unless it includes full grandfathering of
existing construction.



Brenda Bean/RKV
07/14/2008 11:08 AM

To johnrmckeej@netscape.net
cc mayorcouncil@rockvillemd.gov, Susan Swift/RKV, Jim Walsh/RKV, Deane Mellander/RKV,
bcc
Subject Re: Testimony at 30 June 2008 Hearing on Zoning Text Amendmet

Dear Mr. McKee ~

On behalf of the Mayor and Council, thank you very much for your e-mail concerning proposed changes to the Rockville Zoning Ordinance. Your comments will be placed in the file and considered part of the official record in this matter.

The Mayor and Council, and the appropriate staff who have seen your comments, appreciate the feedback. Having such an informed and involved citizenry is one of the great hallmarks of our City.

This item will be the subject of a Mayor & Council worksession this evening and again on Wednesday, July 23rd. Both meetings will be televised on TRC 11 (The Rockville Channel) beginning at 7:00 pm, should you wish to tune in from home.

Thank you again for your comments.

Brenda F. Bean
Deputy City Clerk
111 Maryland Avenue
Rockville, Maryland 20850
email: bbean@rockvillemd.gov
phone: (240) 314-8280
fax: (240) 314-8929

johnrmckeej@netscape.net



johnrmckeej@netscape.net

07/11/2008 03:53 PM

To mayorcouncil@rockvillemd.gov
cc
Subject Testimony at 30 June 2008 Hearing on Zoning Text Amendmet

My name is John R. McKee and I live at 3 Clemson Court in Rockville.

I had testified earlier about the need for a Grandfather Clause.
I don't see the word "Grandfather" in the revised draft.

HEARING TESTIMONY ROCKVILLE MAYOR AND COUNCIL

June 30, 2008

Good evening. My name is Cindy Bar and I am an attorney with the law firm of Holland and Knight, MD. We represent Shellhorn Rockville, LLC which is the owner of the Chesapeake Plaza, an existing shopping center in the RPC Zone located at 1488 Rockville Pike.

I think it is important for the Mayor and Council to be aware of our client's expectations when it acquired the Chesapeake Plaza. Prior to their purchase of the site the owners met with the City's then-Chief of Planning, and confirmed that there was 180,000 square feet of retail potential and the ability to construct a residential tower of up to 110 feet on the site. The landscape space requirement was 10% and parking was allowed in front of buildings. The site's development potential will be severely reduced by the proposed Ordinance as a result of the recommended limitations on height, layback slope, public use space requirements and other design limitations which will severely restrict the building envelope. We request that you allow for much more flexibility in the provisions of the MXCD zone in order to provide incentive for redevelopment, while retaining much control over the design of these sites.

We support the Planning Commission's proposed revisions to allow parking in front of buildings, which we believe is imperative for the viability of retail uses along the Pike, the Commission's recommendation that the sidewalk designs standards for non-single family areas should be "guidelines," and the modifications of the rigid layback slope requirements along Route 355. We also support the grandfather provisions which would make existing development conforming. Unfortunately, even collectively, these recommendations do not go far enough to make the MXCD Zone a viable redevelopment tool.

Layback Slope Provisions

First, the layback slope provisions should not be applied along property lines that are adjacent to the CSX railroad right-of-way which itself provides an ample buffer. Instead of requiring the rigid layback, the Commission can utilize its approval power to evaluate a mixed-use project on the basis of its compatibility with the adjacent residential neighborhoods.

Height Provisions

The Commission has also suggested that flexibility in the height limitation of 75 feet should be considered by the Mayor and Council. We agree and suggest that the zoning ordinance contain language which allows for additional height in areas where the Master Plan deems this appropriate or where the Mayor and Council concur, as is allowed in the proposed MXTD Zone.

The proposed design guidelines regarding variation of façade height feet and the requirement that building facades should have a range of heights of between 35 and a maximum of 50 feet, should also be guidelines, not requirements, in order to allow design flexibility for individual sites and enough development potential to foster redevelopment.

Design Guidelines and Special Design Regulations

The recommended "Additional Design Guidelines" regarding facades, roofs, building materials and colors also should also be clearly identified as guidelines, not requirements in order to allow creativity with proposed building designs. In addition, the provisions which mandate building location and uses by floor and limit the percentage of retail should be waivable by the Commission. The market for various land uses is not static and therefore the particular

mix of uses in a project must be flexible in order for owners to respond to market conditions and take into account adjacent uses.

In order to create economic incentives for redevelopment of Rockville Pike Corridor properties it is necessary for the Ordinance to contemplate possible heights of greater than 75 feet, relax the layback slope provisions both along the pike and the CSX right-of-way and not mandate specific design standards regarding other development standards. Rigid standards should not be adopted by the Mayor and Council, but instead the Mayor and Council should make the development standards guidelines, with the ability for the Planning Commission to deviate from their strict application. Unless this flexibility is allowed by the Ordinance, it is likely that no redevelopment will occur. We appreciate your consideration of our views.

5457837_v1



Brenda Bean/RKV

07/14/2008 11:36 AM

To <vicki.barnes@hklaw.com>

cindy.bar@hklaw.com, DMellander@ci.rockville.md.us,
cc jwasilak@rockvillemd.gov,
mayorcouncil@rockvillemd.gov,

bcc

Subject Re: SENT ON BEHALF OF CINDY BAR -- Zoning
Ordinance Revision

Dear Ms. Barnes ~

We have your email and Ms. Bar's testimony and have incorporated the same into the official file as an exhibit.

Thanks very much for your note.

Brenda F. Bean
Deputy City Clerk
111 Maryland Avenue
Rockville, Maryland 20850
email: bbean@rockvillemd.gov
phone: (240) 314-8280
fax: (240) 314-8929
<vicki.barnes@hklaw.com>



<vicki.barnes@hklaw.com>

>

07/11/2008 01:45 PM

To <mayorcouncil@rockvillemd.gov>

<DMellander@ci.rockville.md.us>,
cc <jwasilak@rockvillemd.gov>,
<sullery@rockvillemd.gov>, <sswift@rockvillemd.gov>,
<cindy.bar@hklaw.com>

Subject SENT ON BEHALF OF CINDY BAR -- Zoning Ordinance
Revision

<<Mayor and Council Testimony re Rockville Zoning Ordinance-delivered 6/30/08.DOC>>

Dear Mayor Hoffmann and Members of the City Council:

Attached is the text of Cindy Bar's testimony before the Mayor and Council at the June 30, 2008 Council Hearing on the proposed Zoning Ordinance for the City of Rockville. Please include this in the Record.

If you have any questions or require additional information, please do not hesitate to let us know.

Sincerely,

Holland Knight

Vicki D. Barnes

Sr. Legal Secretary

Holland & Knight LLP

3 Bethesda Metro Center

Suite 800

Bethesda, Maryland 20814

Main 301 654 7800

Direct 301 215 6603

Fax 301 656 3978

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Mayor and Council Testimony re Rockville Zoning Ordinance-delivered E_30_08.DOC

Exhibit No. 43
Zoning Ordinance Rewrite
Public Hearing
Dates: 6/16 & 6/30/08



<dmodell@modell-law.co
m> 07/14/2008 08:29 AM

To <zoning@rockvillemd.gov>

cc

Subject Nat'l Lutheran Home Expansion

Dear Mayor & Council:

We oppose the requests of the National Lutheran Home to increase allowable building height and decrease setbacks (exhibit # 11 from the Zoning Ordinance Rewrite public hearing 6/16/08 and 6/30/08). We agree with the reasons set forth by Jeff Zyontz in his letter of July 12, 2008. Our house is 1 house closer than his, literally facing the Lutheran Home property. Please keep any expansion within current zoning requirements.

Thank you

David & Karen Modell

1 Monterra Court

Rockville, MD 20850

301-838-3399



Brenda Bean/RKV

07/14/2008 11:54 AM

To dmodell@modell-law.com

cc mayorcouncil, Susan Swift/RKV, Jim Wasilak/RKV,
Deane Mellander/RKV,

bcc

Subject Zoning Ordinance

Dear Mr. & Mrs. Modell ~

On behalf of the Mayor and Council, thank you very much for your e-mail concerning proposed changes to the Rockville Zoning Ordinance. Your comments will be placed in the file and considered part of the official record in this matter.

The Mayor and Council, and the appropriate staff who have seen your comments, appreciate the feedback. Having such an informed and involved citizenry is one of the great hallmarks of our City.

This item will be the subject of a Mayor & Council worksession this evening and again on Wednesday, July 23rd. Both meetings will be televised on TRC 11 (The Rockville Channel) beginning at 7:00 pm, should you wish to tune in from home.

Thank you again for your comments.

Brenda F. Bean
Deputy City Clerk
111 Maryland Avenue
Rockville, Maryland 20850
email: bbean@rockvillemd.gov
phone: (240) 314-8280
fax: (240) 314-8929

----- Forwarded by Brenda Bean/RKV on 07/14/2008 11:49 AM -----



Jim Wasilak/RKV

07/14/2008 11:05 AM

To Brenda Bean/RKV@RKV

cc Deane Mellander/RKV@RKV

Subject Fw: Nat'l Lutheran Home Expansion

Brenda: Please add this to the testimony on the Zoning Ordinance. Thanks, Jim

R. James Wasilak, AICP
Chief of Planning
Department of Community Planning and Development Services
City of Rockville, Maryland
240-314-8211 (direct)
240-314-8210 (fax)
240-314-8200 (CPDS main)
www.rockvillemd.gov

----- Forwarded by Jim Wasilak/RKV on 07/14/2008 11:00 AM -----



"David P. Modell"

Jeff Zyontz
5 Monterra Court
Rockville, Maryland
20850

July 12, 2008

Dear Mayor and Council of Rockville:

I reside at 5 Monterra Court. My house and my subdivision are in an area proposed in the draft zoning map for R-200 zoning. My house is one lot away from the National Lutheran Home, which is proposed for R-400 zoning. I am writing in support of the zoning map and the zoning text for my neighborhood as recommended by the Planning Commission. In doing so, I am recommending against the requests of the National Lutheran Home to increase allowable building height and decrease setbacks (exhibit # 11 from the Zoning Ordinance Rewrite public hearing 6/16/08 and 6/30/08).

By virtue of the city's proposed zoning map, the novice to planning might assume that my subdivision is planned for more density than the Lutheran Home.¹ In fact, the Lutheran Home currently has more than 4 units per acre plus a nursing home for 300 clients; my subdivision has about .7 units per acre with no plans to either add any more units or create a nursing home. It is not that I have any problems with the Lutheran Home as a neighbor. The Lutheran Home provides needed housing in a manner that matches the character of my neighborhood. In their current configuration and management, I could not ask for a better neighbor. I am concerned that their future development ambitions would be a jarring and unwelcome change.

The Lutheran Home presented the current trends in the senior care industry in their testimony. The trends of an industry are hardly the best criteria for determining zoning standards. If you were told that the trend in the office industry were buildings at least 100,000 square foot of floor area, would that lead you to zone all commercial property for that density without regard for the location or size of the property? I would think that Rockville would be more concerned about the trends for creating new development in harmony with existing neighborhoods. The trends for maintaining and enhancing existing neighborhoods include REDUCING the height and bulk currently allowed by zoning. Chevy Chase and Garrett Park are in the forefront of that trend.

The building height limit proposed by the Planning Commission, 50 feet, could result in 4-story buildings. If that is insufficient for the Lutheran Home's aspirations then the Home's aspirations need modification. One of their "representative concepts" presented to the Mayor and Council as a trend in the senior housing industry was a 3-story building; the other concept was a 5-story building. The 70 feet that the Lutheran

¹40,000 square feet minimum lot area Residential Estate Zone ("R-400");
20,000 square feet minimum lot area Suburban Residential ("R-200").

Home requested could allow a 6-story building; one story higher than the highest representative concept shown to the Mayor and Council.

My neighborhood is on the edge of Rockville. Montgomery County would characterize the area across the street from the Lutheran Home as part of its low-density residential wedge where development on public water and sewer is the exception rather than the rule. This is the character of the area where the Lutheran Home is requesting the ability to have buildings 70 feet in height with less setbacks from its property lines. In Montgomery County, many properties in Central Business Districts, but on edge of those districts, are limited to 60 feet in height. We are on the edge of the City; we are not on the edge of a Central Business District.

The Lutheran Home suggested that lesser setbacks are in order at least for the land bordering the Lakewood Country Club's golf course. The proposed zoning map has the Country Club's property in the same zoning classification as the Lutheran Home. It thereby will have the same rights to pursue development as the Lutheran Home itself. The Country Club's use is permitted to change if it chooses to do so, subject to Rockville's development process. The Country Club is not proposed to be in a park zoning classification although you would not know that from the Lutheran Home's testimony.

When does a low impact land use become a high impact land use? It does so when the density increases beyond the capacity of the infrastructure to handle the increase. I recognize that on a per unit basis, each dwelling unit of housing for senior citizens has less of an impact than a non-age restricted dwelling unit, but as the number of units increase so does its impact. The Lutheran Home has expanded twice since I moved to the neighborhood. It has a third proposed addition on the drawing boards ready to submit for approval. There should be an upper limit of the Lutheran Home's aspirations just as there is a limit on single-family uses. On a rainy day, when school is in session, it can take 20 minutes in the morning to make a turn from Scott Drive to Wooten Parkway without any additions by the Lutheran Home. Allowing more height will allow more density; that density will be out of proportion to our neighborhood's infrastructure.

The Lutheran Home's request to you represents a 40 percent increase in allowable height. If you are seriously going to entertain this last minute change, I would suggest that you directly inform my neighbors and allow them the opportunity to weigh-in. This would be a significant change from draft zoning ordinance as advertised for your public hearing.

I am submitting this letter to you solely in my capacity as a resident of Rockville and neighbor to the Lutheran Home.

Sincerely,

Jeff Zyontz



Brenda Bean/RKV

07/14/2008 11:48 AM

To jzyontz@comcast.net,

cc mayorcouncil, Susan Swift/RKV, Jim Wasilak/RKV,
Deane Mellander/RKV,

bcc

Subject Fw: Zoning Revision - Submitted for the Public Record

Dear Mr. Zyontz ~

On behalf of the Mayor and Council, thank you very much for your e-mail concerning proposed changes to the Rockville Zoning Ordinance. Your comments will be placed in the file and considered part of the official record in this matter.

The Mayor and Council, and the appropriate staff who have seen your comments, appreciate the feedback. Having such an informed and involved citizenry is one of the great hallmarks of our City.

This item will be the subject of a Mayor & Council worksession this evening and again on Wednesday, July 23rd. Both meetings will be televised on TRC 11 (The Rockville Channel) beginning at 7:00 pm, should you wish to tune in from home.

Thank you again for your comments.

Brenda F. Bean
Deputy City Clerk
111 Maryland Avenue
Rockville, Maryland 20850
email: bbean@rockvillemd.gov
phone: (240) 314-8280
fax: (240) 314-8929

----- Forwarded by Brenda Bean/RKV on 07/14/2008 11:44 AM -----



Jim Wasilak/RKV

07/14/2008 11:04 AM

To Brenda Bean/RKV@RKV

cc Deane Mellander/RKV@RKV

Subject Fw: Zoning Revision - Submitted for the Public Record

Brenda: Please add this to the testimony on the Zoning Ordinance. Thanks, Jim

R. James Wasilak, AICP
Chief of Planning
Department of Community Planning and Development Services
City of Rockville, Maryland
240-314-8211 (direct)
240-314-8210 (fax)
240-314-8200 (CPDS main)
www.rockvillemd.gov

----- Forwarded by Jim Wasilak/RKV on 07/14/2008 10:58 AM -----